



UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office

Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

SERIAL NUMBER	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
---------------	-------------	----------------------	---------------------

07/984,899 12/02/92 SOIKA

E 882

DE 189 EXAMINER

F3M1

FRELING E. BAKER
BAKER, MAXHAM, JESTER & MEADOR
SYMPHONY TOWERS
750 B STREET, SUITE 2770
SAN DIEGO, CA 92101

ART UNIT PAPER NUMBER

3303

3

DATE MAILED: 04/27/93

This is a communication from the examiner in charge of your application.
COMMISSIONER OF PATENTS AND TRADEMARKS

☒ This application has been examined ☒ Responsive to communication filed on 2-12-93 ☐ This action is made final.

A shortened statutory period for response to this action is set to expire 3 month(s), 0 days from the date of this letter.
Failure to respond within the period for response will cause the application to become abandoned. 35 U.S.C. 133

Part I THE FOLLOWING ATTACHMENT(S) ARE PART OF THIS ACTION:

- | | |
|---|--|
| 1. <input checked="" type="checkbox"/> Notice of References Cited by Examiner, PTO-892. | 2. <input type="checkbox"/> Notice re Patent Drawing, PTO-948. |
| 3. <input checked="" type="checkbox"/> Notice of Art Cited by Applicant, PTO-1449. | 4. <input type="checkbox"/> Notice of Informal Patent Application, Form PTO-152. |
| 5. <input type="checkbox"/> Information on How to Effect Drawing Changes, PTO-1474. | 5. <input type="checkbox"/> _____ |

Part II SUMMARY OF ACTION

1. ☒ Claims 1-28 are pending in the application.

Of the above, claims _____ are withdrawn from consideration.

2. ☐ Claims _____ have been cancelled.

3. ☒ Claims 17-20 are allowed.

4. ☒ Claims 1-16 and 21-28 are rejected.

5. ☐ Claims _____ are objected to.

6. ☐ Claims _____ are subject to restriction or election requirement.

7. ☒ This application has been filed with informal drawings under 37 C.F.R. 1.85 which are acceptable for examination purposes.

8. ☐ Formal drawings are required in response to this Office action.

9. ☐ The corrected or substitute drawings have been received on _____. Under 37 C.F.R. 1.84 these drawings are ☐ acceptable, ☐ not acceptable (see explanation or Notice re Patent Drawing, PTO-948).

10. ☐ The proposed additional or substitute sheet(s) of drawings, filed on _____ has (have) been ☐ approved by the examiner, ☐ disapproved by the examiner (see explanation).

11. ☐ The proposed drawing correction, filed on _____, has been ☐ approved, ☐ disapproved (see explanation).

12. ☐ Acknowledgment is made of the claim for priority under U.S.C. 119. The certified copy has ☐ been received ☐ not been received
☐ been filed in parent application, serial no. _____; filed on _____

13. ☐ Since this application appears to be in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11; 453 O.G. 213.

14. ☐ Other

EXAMINER'S ACTION

Art Unit 333

This application has been filed with informal drawings which are acceptable for examination purposes only. Formal drawings will be required when the application is allowed.

The drawings are objected to because elements 20 and 12 should be shown as two clearly separate elements also, reference numbers 22 and 24, as stated on page 6, line 15, must be shown. Correction is required.

The disclosure is objected to because of the following informalities: Page 8, line 3, "sleeve 22" is unclear. Appropriate correction is required.

Claim 11 is rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

As to claim 11, line 2, "said rigid housing", has no antecedent basis.

The following is a quotation of 35 U.S.C. § 103 which forms the basis for all obviousness rejections set forth in this Office action:

A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Subject matter developed by another person, which qualifies as prior art only under subsection (f) or (g) of section 102

Art Unit 333

of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person.

Claims 1, 2, 4, 5, 6, 8, 9, 12, 13 and 15 are rejected under 35 U.S.C. § 103 as being unpatentable over Sancoff et al (5,080,652) in view of Leibinsohn (4,507,116).

Sancoff discloses an apparatus with an elongated cylinder (28) having an elongated elastic sleeve means mounted and sealingly secured as spaced positions on the cylinder.

Sancoff also teaches the use of an inlet and outlet means for dispensing liquid from a pressure reservoir.

Sancoff failed to teach the use of a collapsible non-stretchable protective housing around the pressure reservoir, however Leibusohn evidences positioned around an elastic pressure reservoir is old and well known. Therefore, to reduce the size and cost of the device of Sancoff it would have been obvious to replace the rigid housing (12) with a collapsible non-stretchable housing as taught by Leibinsohn.

As to claim 2, it would be obvious to have the collapsible housing of Sancoff and Leibinsohn to be spherical like the rigid housing (12).

As to claim 6, Leibinsohn teaches the use of cup shaped caps attached to each end of the cylinder member.

Claims 3, 7, 10, 14 and 16 are rejected under 35 U.S.C.

Art Unit 333

§ 103 as being unpatentable over Sancoff et al in view of Leibinsohn as applied to claims 1, 2, 4, 5, 6, 8, 9, 12, 13 and 15 above, and further in view of Hessel (4,915,693).

Hessel teaches the use of a cylindrical rigid housing to protect an expandable reservoir.

Therefore, it would have been obvious to insert the device of Sancoff and Leibinschn into a protective rigid housing.

Claims 11, 21, 22, 23, 24, 25, 26, 27 and 28 are rejected under 35 U.S.C. § 103 as being unpatentable over Sancoff et al in view of Leibinsohn as applied to claims 1, 2, 4, 5, 6, 8, 9, 12, 13 and 15 above, and further in view of Sancoff et al (5,105,983).

Sancoff et al ('983) teaches the use of a rigid housing with a spherical configuration to receive a pressure reservoir.

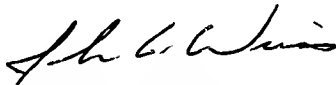
Therefore, it would have been obvious to protected the device of Sancoff ('652) and Leibinsohn by a rigid housing having a spherical configuration.

Claims 17-20 are allowable over the prior art of record.

The shorter statutory period for a response is 3 months.

Any inquiry concerning this communication should be directed to John G. Weiss at telephone number (703) 308-2702.

John G. Weiss:bhw
April 23, 1993


JOHN G. WEISS
PRIMARY EXAMINER
ART UNIT 333